

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011
3. Governance: Implementation of the Delta Plan	<div>G P1</div> <div>Certifications of consistency with the Delta Plan must address the following:</div> <div><div>◆ All covered actions must be fully transparent by disclosing all potentially significant adverse environmental impacts and mitigations of those adverse impacts.</div><div>◆ As relevant to the purpose and nature of the project, all covered actions must document use of best available science (as described in Chapter 2) and information.</div><div>◆ Ecosystem restoration and water management covered actions must include adequate provisions to assure continued implementation of adaptive management consistent with the Delta Plan. This requirement shall be satisfied through:<div><div>a) an adaptive management plan that describes the approach to be taken for each of the nine steps of the adaptive management framework of Chapter 2, and</div><div>b) documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the full adaptive management process.</div></div></div></div>	<div>G P1</div> <div>Certifications of consistency with the Delta Plan must address the following:</div> <div><div>◆ A covered action must be consistent with the coequal goals and the inherent objectives. In addition, a covered action must be consistent with each of the policies contained in this Plan implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant policies may not be feasible. In those cases, covered action proponents must clearly identify areas where consistency is not feasible, explain the reasons, and describe how the covered action nevertheless, on whole, is consistent with the coequal goals and the inherent objectives. In those cases, the Delta Stewardship Council may determine, on appeal, that the covered action is consistent with the Delta Plan.</div><div>◆ All covered actions must be fully transparent by disclosing all potentially significant adverse environmental impacts and feasible mitigations of those adverse impacts.</div><div>◆ As relevant to the purpose and nature of the project, all covered actions must document use of best available science (as described in Chapter 2).</div><div>◆ Ecosystem restoration and water management covered actions must include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management consistent with the Delta Plan. This requirement shall be satisfied through:<div><div>• An adaptive management plan that describes the approach to be taken for each of the nine steps of the adaptive management framework of Chapter 2, and</div><div>• Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.</div></div></div><div>◆ All covered action proponents shall certify that the covered action shall comply at all times with existing applicable law.</div></div>
4. A More Reliable Water Supply for California	<div>The following policies (WR P1, WR P2, and WR P3) can apply as regulatory policies only where a public agency approves, funds, or carries out a covered action. Where it does, that covered action is inconsistent with the Delta Plan if, and only if, one or both of the following applies:</div> <div><div>A. The covered action involves the export of water from the Delta or involves the transfer of water through the Delta, and the need for that covered action is significantly caused by the failure of one or more water suppliers to comply with policies WR P1, WR P2, and/or WR P3.</div><div>B. The covered action involves the use of water in the Delta, and the need for that covered action is significantly caused by the failure of one or more water suppliers to comply with policies WR P1, WR P2, and WR P3.</div></div> <div>Where, however, neither A nor B applies, the following (WR P1, WR P2, and WR P3) are recommendations.</div>	<div>See WR P1</div>
4. A More Reliable Water Supply for California	<div>WR P1</div> <div>Water suppliers shall demonstrate compliance with existing State laws promoting water supply planning, conservation, and efficiency measures:</div> <div><div>◆ Urban water suppliers</div><div><div>• Adopt and implement an Urban Water Management Plan and all required elements and measures, meeting the standards and timelines established in Water Code section 10610 et. seq.</div><div>• Adopt and implement a plan to achieve 20 percent reduction in urban per capita water use by December 31, 2020, meeting the standards and timelines established in Water Code section 10608 et. seq.</div></div></div>	<div>WR P1</div> <div>A covered action to export water from, transfer water through, or use water in the Delta is inconsistent with the Delta Plan if the covered action negatively impacts one or more of the coequal goals and one or more of the water suppliers¹ that receive water from the Delta significantly causes the need for the covered action by failing to comply with one or more of the following:</div> <div><div>◆ Compliance with State law</div><div><div>• Urban water suppliers²</div><div><div>– Adopt and implement an Urban Water Management Plan and all required elements and measures, meeting the standards and timelines established in Water Code section 10610 et seq.</div></div></div></div>

¹ Water suppliers, as used in this Delta Plan, refer to both “Urban water supplier” and “Agricultural water supplier” as defined in footnotes 20 and 21.

² “Urban water supplier” as used in this Delta Plan refers to both “urban retail water suppliers” and “urban wholesale water suppliers” under the Water Code. An “urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annual at retail for municipal purposes (Water Code section 10608.12(p)). An “urban wholesale water supplier ” means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of potable water annually at wholesale for municipal purposes (Water Code section 10608.12(r)).

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	<ul style="list-style-type: none">♦ Agricultural water suppliers<ul style="list-style-type: none">• Adopt and implement Agricultural Efficient Water Management Practices including measurement of the volume of water delivered to customers, adoption of a pricing structure based in part on the quantity delivered, and implementation of specific conservation measures that are locally cost effective and technically feasible, meeting the standards and timelines established in Water Code section 10900 et. seq.• Adopt and implement an Agricultural Water Management Plan and all required elements, meeting the standards and timelines established in Water Code section 10900 et. seq.	<ul style="list-style-type: none">– Adopt and implement a plan to achieve 20 percent reduction in statewide urban per capita water use by December 31, 2020, meeting the standards and timelines established in Water Code section 10608 et seq.♦ Agricultural water suppliers³<ul style="list-style-type: none">• Adopt and implement Agricultural Efficient Water Management Practices including measurement of the volume of water delivered to customers, adoption of a pricing structure based in part on the quantity delivered, and implementation of specific conservation measures that are locally cost effective and technically feasible, meeting the standards and timelines established in Water Code section 10608 et. seq.• Adopt and implement an Agricultural Water Management Plan and all required elements, meeting the standards and timelines established in Water Code section 10800 et seq.♦ Water Supply Reliability Element<ul style="list-style-type: none">• To promote accountability throughout the state in achieving the coequal goals, water suppliers shall, no later than December 31, 2015, expand an existing or add a new Water Reliability Element in their Urban Water Management Plan and/or Agricultural Water Management Plan. Water suppliers may also meet this requirement by including a Water Reliability Element in an approved Integrated Regional Water Management Plan or other water plan that provides equivalent information.• The Water Reliability Element shall detail how water suppliers are sustaining and improving regional self-reliance and reducing reliance on the Delta through investments in local and regional programs and projects, and shall document actual or projected reduction in reliance on Delta exports. At a minimum, the Water Reliability Element shall include:<ul style="list-style-type: none">– A plan for possible interruption of Delta water supply due to catastrophic events: Identify how reliable water service will be provided or shortages managed for minimum periods of 6 months, 18 months, and 36 months in the event that diversions or exports from the Delta are interrupted during an average water year, dry water year, and following three dry water years.– Implementation of planned investments in water conservation, water efficiency, and water supply development: Identify specific programs and projects that will be implemented over a 20-year planning period and how they are consistent with the coequal goals and will contribute to improved regional self-reliance and reduced reliance on the Delta, including, but not limited to, the following strategies⁴:<ul style="list-style-type: none"><input type="checkbox"/> Water conservation<input type="checkbox"/> Water use efficiency<input type="checkbox"/> Local groundwater and surface storage<input type="checkbox"/> Conjunctive use programs<input type="checkbox"/> Water transfers<input type="checkbox"/> Water recycling<input type="checkbox"/> Treatment and use of currently non-potable groundwater<input type="checkbox"/> Stormwater capture and recharge<input type="checkbox"/> Saline water and brackish water desalination• Evaluation of regional water balance: Provide an assessment of the long-term sustainability of the water supplies available to meet projected demands within the supplier's hydrologic region, as defined by California Water Plan 2009 Update, over the 20-year planning period.⁵ If the region's demand exceeds available supplies, identify the steps being taken through one or more of the Integrated Regional Water Management Plans to bring the region into long-term balance. If the region's demands exceeds available supplies and it does not have an

³ "Agricultural water supplier" as used in this Delta Plan refers to both "agricultural retail water suppliers" and "agricultural wholesale water suppliers" under the Water Code. An "agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. An "agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right that distributes or sells water for ultimate resale to customers. "Agricultural water supplier" does not include DWR (Water Code section 10608.12(a)). Any agricultural water supplier that provides water to less than 25,000 irrigated acres is not required to comply with SBX7 7 requirements unless sufficient funding is provided to the supplier to implement these provisions (Water Code section 10853).

⁴ The Department of Water Resources has identified 27 "resource management strategies" that water suppliers should consider as investments in water conservation, water efficiency, and water supply development. (DWR 2009)

⁵ The purpose of a water balance is to provide an accounting of all water that enters and leaves a specific hydrologic region, how it is used, and how it is exchanged between regions. A water balance can be used to compare how water supplies and uses in a region can vary among wet, average, and dry hydrologic conditions and how each region's water balance compares with other regions and with the State's water balance. This is important to all water planning activities and provides a basis for evaluating unsustainable water management practices and making appropriate improvements (DWR 2009).

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		<p>Integrated Regional Water Management Plan or the Plan does not address the steps being taken to bring the region into balance, then describe how these plans are helping to bring the region into long-term balance. If there are no Integrated Regional Water Management Plans, then describe how the supplier’s programs and projects are helping to bring the region into long-term balance.</p> <ul style="list-style-type: none">• Conservation-oriented water rate structure: Evaluate the degree to which the supplier’s current rate structure sustainably encourages and supports water conservation.♦ Conservation-oriented Rate Structure<ul style="list-style-type: none">• Water suppliers shall, by December 31, 2020, develop and implement a conservation-oriented rate structure, which may include consideration of a water-budget-based rate structure that sustainably encourages and supports more efficient water use without causing a shortfall in system revenues.⁶

⁶ A sustainable conservation-oriented rate structure has the following characteristics: encourages more efficient water use without causing a shortfall in system revenue; provides for the identification of waste, rewards efficient use, and penalizes excessive use; produces revenues from penalty rates that are used to fund conservation programs; is supported by a water bill that clearly communicates the cost of wasted water to the responsible person; and is supported by a person or staff who can respond to customers’ calls for help in reducing usage (CUWCC 1997).

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4. A More Reliable Water Supply for California	WR P2	<p>To promote accountability throughout the state in achieving the coequal goals, water suppliers shall, no later than December 31, 2015, expand an existing or add a new Water Reliability Element in their Urban Water Management Plan and/or Agricultural Water Management Plan. Water suppliers may also meet this requirement by including a Water Reliability Element in an approved Integrated Regional Water Management Plan or other water plan that provides equivalent information.</p> <p>The Water Reliability Element shall detail how water suppliers are sustaining and improving regional self-reliance and reducing dependence on the Delta through investments in local and regional programs and projects and shall document actual or projected net reduction in reliance on Delta exports. At a minimum, the Water Reliability Element shall include:</p> <ul style="list-style-type: none">♦ A plan for possible interruption of Delta water supply: Identify how reliable water service will be provided for a minimum periods of 6 months, 18 months, and 36 months in the event that diversions or exports from the Delta are interrupted during an average water year, dry water year, and following three dry water years.♦ Implementation of planned investments in water conservation, water efficiency, and water supply development: Identify specific programs and projects that will be implemented over a 20-year planning period and how they are consistent with the coequal goals and will contribute to improved regional self-reliance and reduced reliance on the Delta, including, but not limited to, the following strategies:<ul style="list-style-type: none">• Water conservation• Water use efficiency• Local groundwater and surface storage• Conjunctive use programs• Water transfers• Water recycling• Use of currently non-potable groundwater• Storm water capture and recharge• Saline water and brackish water desalination♦ Evaluation of regional water balance: Provide an assessment of the long-term sustainability of the water supplies available to meet projected demands within the supplier’s hydrologic region, as defined by the 2009 California Water Plan Update, over the 20-year planning period. If the region’s demand exceeds available supplies, identify the steps being taken through the Integrated Regional Water Management Plan to bring the region into long-term balance. If the region’s demand exceeds available supplies and it does not have an Integrated Regional Water Management Plan or the Plan does not address the steps being taken to bring the region into balance, then describe how the supplier’s programs and projects are helping to bring the region into balance.♦ Conservation-oriented water rate structure: Evaluate the degree to which the supplier’s current rate structure sustainably encourages and supports water conservation.	See WR P1
	WR P3	<p>Water suppliers shall, by December 31, 2020, develop and implement a conservation-oriented rate structure, which may include consideration of a water-budget-based rate structure that sustainably encourages and supports more efficient water use without causing a shortfall in system revenues.</p>	See WR P1

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4. A More Reliable Water Supply for California	WR R1	The California Department of Water Resources, in consultation with the Council, the State Water Resources Control Board, and others, should develop and approve, by December 31, 2012, guidelines for the preparation of a Water Reliability Element that satisfies the criteria contained in WR P2.	WR R1	The Department of Water Resources, in consultation with the Delta Stewardship Council, the State Water Resources Control Board, and others, should develop and approve, by December 31, 2012, guidelines for the preparation of a Water Reliability Element that satisfies the criteria contained in WR P1.
4. A More Reliable Water Supply for California			WR R2	The Department of Water Resources, in consultation with the Delta Stewardship Council, the State Water Resources Control Board, and others, should develop and include in the future California Water Plan updates the information needed to track the water supply reliability performance measures identified in the Delta Plan and assess improvements in regional self reliance, reduced reliance on the Delta, and statewide water supply reliability.
4. A More Reliable Water Supply for California	WR R2	The California Department of Water Resources, the State Water Resources Control Board, the California Department of Public Health, and other agencies, in consultation with the Council, should revise State grant and loan ranking criteria by December 31, 2012, to provide additional credit (higher ranking) to water suppliers that include a Water Reliability Element in their adopted Urban Water Management Plans, Agricultural Water Management Plans, and/or Integrated Regional Water Management Plans that satisfies the requirements of WR P2. The Council will also work with these agencies to identify additional funding and other incentives to catalyze implementation of local and regional water conservation, water use efficiency, conjunctive management, and other projects that will improve regional self-reliance and reduce reliance on the Delta.	WR R3	The Department of Water Resources, the State Water Resources Control Board, the Department of Public Health, and other agencies, in consultation with the Delta Stewardship Council, should revise State grant and loan ranking criteria by December 31, 2012, to provide a priority for water suppliers that include a Water Reliability Element in their adopted Urban Water Management Plans, Agricultural Water Management Plans, and/or Integrated Regional Water Management Plans that satisfies the requirements of WR P1. The Delta Stewardship Council will also work with these agencies to identify additional funding and other incentives to catalyze implementation of local and regional water conservation, water use efficiency, conjunctive management, and other projects that will improve regional self-reliance and reduce reliance on the Delta.
			WR R4	All state agencies should take a leadership role in designing new and retrofitted state owned and leased facilities, including buildings and Caltrans facilities, to increase water efficiency, use recycled water, incorporate stormwater runoff capture and low impact development strategies, and reduce reliance on the Delta. The Delta Stewardship Council will work with these agencies to identify regulations and other policies that will support the improved water efficiencies and new water supply strategies, such as completion of uniform recycling criteria for potable reuse for groundwater recharge, consistent with SB 918 (Water Code section 13521 et seq.).
4. A More Reliable Water Supply for California	WR R3	To be consistent with the Delta Plan, a proponent for a new proposed point of delivery that results in new or increased demand for diversions from the Delta or the Delta Watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives.	WR R5	The State Water Resources Control Board and/or the Department of Water Resources should require that proponents requesting a new point of diversion, place of use, or purpose of use that results in new or increased use of water from the Delta watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives.
4. A More Reliable Water Supply for California	WR R4	Recognizing that large storage projects will take more than a decade to construct and bring on line, the Department of Water Resources should complete the Surface Water Storage Investigation of the five proposed offstream surface storage projects as soon as possible and recommend the critical projects that need to be implemented to expand the State's surface storage.	WR R6	The Department of Water Resources should complete the Surface Water Storage Investigations of proposed off-stream surface storage projects by December 31, 2012, including an evaluation of potential additional benefits of integrating operations of new storage with proposed Delta conveyance improvements, and recommend the critical projects that need to be implemented to expand the State's surface storage.
4. A More Reliable Water Supply for California	WR R5	The Delta Stewardship Council, in coordination with the California Water Commission and other agencies, should conduct a survey to identify projects that may be implemented within the next 5 to 10 years to expand existing surface and groundwater storage facilities, create new storage, improve Delta conveyance facilities, and improve opportunities for water transfers. The California Water Commission should hold hearings and provide recommendations on priority projects. These recommendations should be used to support water supplier requests for state grants and loans and other sources of funding for these projects.	WR R7	The Department of Water Resources, in coordination with the California Water Commission , Bureau of Reclamation, State Water Resources Control Board, California Department of Public Health, the Delta Stewardship Council, and other agencies and stakeholders, should conduct a survey to identify projects that could be implemented within the next 5 to 10 years to expand existing surface and groundwater storage facilities, create new storage, improve operation of existing Delta conveyance facilities, and enhance opportunities for conjunctive use programs and water transfers. The California Water Commission should hold hearings and provide recommendations on priority projects. These recommendations should be used to support water supplier requests for state grants and loans and other sources of funding for these projects.
4. A More Reliable Water Supply for California	WR R6	The Department of Water Resources, in collaboration with the U.S. Geological Survey and other federal, state, and local agencies, should update Bulletin 118 using field data, California Statewide Groundwater Monitoring Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery, and other best available science by January 1, 2015, and identify groundwater basins in a critical condition of overdraft. This information will be available for inclusion in the Urban Water Management Plans and Agricultural Management Plans required to be submitted to the state by December 31, 2015.	WR R8	The Department of Water Resources, in collaboration with the Bureau of Reclamation, U.S. Geological Survey, the State Water Resources Control Board and other state, Federal, and local agencies, should update Bulletin 118 using field data, California Statewide Groundwater Monitoring Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery, and other best available science by December 31, 2014. This Bulletin update should include a systematic evaluation of the major groundwater basins to determine sustainable yield and overdraft status, an evaluation of California's groundwater resources in 20 years if current groundwater management trends remain unchanged, the anticipated impacts of climate change on groundwater resources, and the recommendations for actions by state, Federal and local actions to improve groundwater management. In addition, the Bulletin update should identify groundwater basins in a critical condition of overdraft. This information should be available for inclusion in the Urban Water Management Plans and Agricultural Management Plans required to be submitted to the State by December 31, 2015.

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4. A More Reliable Water Supply for California	WR R7	Water suppliers that deliver water diverted or exported from the Delta or the Delta watershed and that receive a significant percentage of their water supplies from groundwater sources should develop sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources (Bulletin 118, Update 2003).	WR R9	Water suppliers that receive water diverted or exported from the Delta watershed and that receive a significant percentage of their long-term average water supplies from groundwater should develop and implement sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources (Bulletin 118, Update 2003) by December 31, 2014.
4. A More Reliable Water Supply for California	WR R8	Local and regional agencies in groundwater basins that have been identified by the Department of Water Resources as being in a critical condition of overdraft should develop a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources (Bulletin 118, Update 2003), by January 1, 2015. If local or regional agencies fail to develop and implement these groundwater management plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the State's Constitution Article X, Section 2 prohibition on unreasonable use of water and whether a groundwater adjudication is needed to prevent the destruction of or irreparable injury to the quality of the groundwater consistent with Water Code Section sections 2100-2101.	WR R10	Local and regional agencies in groundwater basins that have been identified by the Department of Water Resources as being in a critical condition of overdraft should develop and implement a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources (Bulletin 118, Update 2003), by December 31, 2014. If local or regional agencies fail to develop and implement these groundwater management plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the State's Constitution Article X, Section 2 prohibition on unreasonable use of water and whether a groundwater adjudication is needed to prevent the destruction of or irreparable injury to the quality of the groundwater, consistent with Water Code Section sections 2100-2101. ⁷
4. A More Reliable Water Supply for California	WR P4	To be consistent with the Delta Plan, future contracts and agreements to export water from the Delta and/or to move water through the Delta shall be developed in a transparent manner consistent with Department of Water Resources' revised procedures adopted in 2003.	WR P2	All new contracts, contract modifications, contract renewals and agreements to export water from, transfer water through, or use water in the Delta except transfers for up to one year in length, are not consistent with Delta Plan unless they have been developed in a transparent manner consistent with Department of Water Resources' revised policies adopted in 2003 for contract renewals and permanent transfers included in Appendix C or comparable policies issued by the Bureau of Reclamation.
4. A More Reliable Water Supply for California	WR R9	The Department of Water Resources, in coordination with the State Water Resources Control Board, Regional Water Quality Control Boards, the Department of Public Health, U.S. Bureau of Reclamation, U.S. Geological Survey, California Water Conservation Council, and the Delta Council, should complete the proposed Water Planning Information Exchange (Water PIE) by January 1, 2014. This new electronic system should consolidate information into a statewide integrated data base that is in an electronic format and make it available online. It should be designed to simplify reporting processes, reduce the number of required reports, and be coordinated with the reporting requirements for the Urban Water Management Plans/Agricultural Water Management Plans and Integrated Regional Water Management Plans. Water suppliers that receive water diverted or exported from the Delta or the Delta watershed should be full participants in the Water PIE when it becomes available. Data collected by DWR should be made available to the public, and a summary of the information collected through the Water PIE should be incorporated in the analysis for the California State Water Plan Update every 5 years.	WR R11	The Department of Water Resources, in coordination with the State Water Resources Control Board, the Department of Public Health, California Public Utilities Commission, California Energy Commission, Bureau of Reclamation, California Urban Water Conservation Council, Delta Stewardship Council, and other stakeholders should create by January 1, 2014, and maintain an integrated statewide system for water use monitoring. This new system should consolidate information into a single statewide data base that is in an electronic format and made available to the public online. It should be designed to simplify reporting, reduce the number of required reports, and be coordinated with the reporting requirements for the Urban Water Management Plans/Agricultural Water Management Plans and Integrated Regional Water Management Plans. Water suppliers that export water from, transfer water through, or use water in the Delta watershed should be full participants in the data base when it becomes available. The Department of Water Resources should every 5 years summarize and incorporate the key information collected through the statewide integrated data base in the California Water Plan Update.
4. A More Reliable Water Supply for California	WR R10	The Department of Water Resources should include a provision in all SWP contracts and transfer agreements that requires the implementation of WR P1, WR P2, and WRP3 as a condition for water suppliers to receive deliveries. This requirement would be consistent with the existing provision in federal contracts and agreements that conditions receipt of CVP water on implementation of an effective water conservation and efficiency program and detailed annual reporting on CVP water usage.	WR R12	The Department of Water Resources should include a provision in all State Water Project contracts, contract amendments, contract renewals, and water transfer agreements that require the implementation of WR P1.

⁷ The SWRCB anticipates the development of a Strategic Workplan for Groundwater by 2012 that will lay out the Board's plans to protect groundwater, including (1) application of the SWRCB's water quality and water rights authorities to address the problems that have the greatest potential to impact beneficial uses of groundwater; (2) focus resources on the most important problems; and (3) encourage efforts to protect and management groundwater at the local or regional level.

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5: Restore the Delta Ecosystem	ER P1	<p>Prior to the establishment of revised flow criteria and objectives identified in ER R1, the existing Bay-Delta Water Quality Control Plan objectives shall be used to determine consistency with the Delta Plan.</p> <ul style="list-style-type: none">By June 30, 2013, the Council will request an update from the State Water Resources Control Board on items ER R1 (a) and (b). If the Board indicates the dates in items (a) or (b) cannot be met by the dates provided, the Council will consider and may amend the Delta Plan to achieve progress on the coequal goals in place of the updated flow objectives. For example, the Council could: <ol style="list-style-type: none">Determine that a covered action that would increase the capacity of any water system to store, divert, move, or export water from or through the Delta would not be consistent with the Delta Plan until the revised flow objectives are implemented.Recommend that the State Water Resources Control Board cease issuing water rights permits in the Delta and the Delta watershed (or, if the absence of flow criteria is specific to one or more of the major tributaries, then the recommendation could be focused on the impacted areas).	ER P1	<p>Development, implementation and enforcement of new and updated flow requirements for the Delta and high priority tributaries is key to the achievement of the coequal goals. The State Water Resources Control Board should update the Bay-Delta Water Quality Control Plan objectives and establish flows as follows:</p> <ul style="list-style-type: none">a) By June 2, 2014, adopt and implement updated flow objectives for the Delta that are necessary to achieve the coequal goals.⁸b) By June 2, 2018, develop flow criteria for high-priority tributaries in the Delta watershed that are necessary to achieve the coequal goals.⁹ <p>Prior to the establishment of revised flow objectives criteria identified above, the existing Bay-Delta Water Quality Control Plan objectives shall be used to determine consistency with the Delta Plan.</p> <p>By June 30, 2013, the Delta Stewardship Council will request an update from the State Water Resources Control Board on items ER P1 (a) and (b). If the Board indicates the items (a) or (b) cannot be met by the dates provided, the Delta Stewardship Council will consider and may amend the Delta Plan to achieve progress on the coequal goals in place of the updated flow objectives. For example, the Delta Stewardship Council could:</p> <ul style="list-style-type: none">Determine that a covered action that would increase the capacity of any water system to store, divert, move, or export water from or through the Delta would not be consistent with the Delta Plan until the revised flow objectives are implemented.Recommend that the State Water Resources Control Board cease issuing water rights permits in the Delta and the Delta watershed (or, if the absence of flow criteria is specific to one or more of the major tributaries, then the recommendation could be focused on the impacted areas).
5: Restore the Delta Ecosystem	ER R1	<p>The State Water Resources Control Board should update the Bay-Delta Water Quality Control Plan objectives and establish flows as follows:</p> <ul style="list-style-type: none">By June 2, 2014, adopt and implement updated flow objectives for the Delta that are necessary to achieve the coequal goals.By June 2, 2018, develop flow criteria for high priority tributaries in the Delta watershed that are necessary to achieve the coequal goals.	See ER P1	
5: Restore the Delta Ecosystem	ER P2	<p>Habitat ecosystem restoration actions shall be consistent with the habitat type locations shown on the elevation map in Figure 5-3, and accompanying text shown in Appendix D, based on the <i>Ecosystem Restoration Program's Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (DFG et al. 2010), with minor alterations.</p> <p>The Council may amend the Delta Plan to incorporate revised figures and text from the Ecosystem Restoration Program's Conservation Strategy as the strategy is revised.</p>	ER P2	<p>Habitat restoration actions shall be consistent with the habitat type locations shown on the elevation map in Figure 5-2, and accompanying text shown in Appendix D, based on the Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (DFG et al. 2011), with minor alterations.</p> <p>The Delta Stewardship Council may amend the Delta Plan to incorporate revised figures and text from the Ecosystem Restoration Program's Conservation Strategy as the strategy is revised.</p>

⁸ Flow requirements could be implemented through several mechanisms including water rights hearing, FERC relicensing and negotiation and settlement. Implementation through hearings is expected to take longer than the deadline shown here.

⁹ SWRCB staff will work with the Delta Stewardship Council to determine priority streams. As an illustrative example, priority streams could include the Merced River, Tuolumne River, Stanislaus River, Lower San Joaquin River, Deer Creek (tributary to Sacramento River), Lower Butte Creek, Mill Creek (tributary to Sacramento River), Cosumnes River, and American River (SWRCB 2011a, SWRCB 2011b).

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5: Restore the Delta Ecosystem	ER P3	Actions other than habitat restoration, including new or amended local or regional land use plans, shall demonstrate that they have avoided or substantially minimized the adverse impacts to the opportunity for habitat restoration at the elevations shown in Figure 5-3.	ER P3	Actions other than habitat restoration, including new or amended local or regional land use plans, shall demonstrate that they have, in consultation with the Department of Fish and Game, avoided or mitigated within the Delta the adverse impacts to the opportunity for habitat restoration at the elevations shown in Figure 5-2. This policy does not apply within the following areas, defined as of January 1, 2012: <ul style="list-style-type: none">◆ Incorporated cities and their spheres of influence◆ The Clarksburg Growth Boundary¹⁰◆ The Contra Costa County Urban Limit Line¹¹◆ The Mountain House General Plan Community Boundary¹²
5: Restore the Delta Ecosystem	ER P4	State and local agencies constructing new levees, or substantially rehabilitating or reconstructing existing levees in the Delta shall evaluate and, where feasible, incorporate alternatives (including use of setback levees) that would increase the extent of floodplain and riparian habitats.	ER P4	State and local agencies constructing new levees, or substantially rehabilitating or reconstructing existing levees in the Delta shall evaluate , and, where feasible, incorporate alternatives (including use of setback levees) that would increase the extent of floodplain and riparian habitats. When available, criteria developed under RR R4 shall be used for determining appropriate locations for setback levees.

¹⁰ Yolo County. 2009. *Yolo County 2030 Countywide General Plan*. Land Use and Community Character Element. Adopted November 10. Woodland, CA.
¹¹ Contra Costa County. *Contra Costa County General Plan 2005-2020*. Land Use Element. Urban Limit Line Map as amended November 7, 2006.
¹² Mountain House Master Specific Plan Map, on file with the San Joaquin Community Development Department.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
5: Restore the Delta Ecosystem	ER R2	<p>The Council acknowledges the importance of expediting habitat restoration in the Delta and its watershed and recommends the prioritization and implementation of habitat restoration projects in the following areas, also shown in Figure 5-4:</p> <ul style="list-style-type: none">◆ Cache Slough Complex. The flood basins entering the Cache Slough Complex are the interface between river and tidally influenced portions of the Delta. A significant portion of the region should return to uplands with vernal pool and grassland habitats and broad nontidal, freshwater, emergent plant-dominated wetlands that grade into tidal freshwater wetlands, shallow subtidal and deep open water habitats. A restoration project in this area is the passively restoring Liberty Island. Projects in the planning stage include the Department of Water Resources Prospect Island restoration project.◆ Cosumnes River–Mokelumne River Confluence. Unregulated and minimally regulated rivers should allow frequent and regular winter and spring overbank flooding to create seasonal floodplain and riparian habitats grading into tidal marsh and shallow subtidal habitats. A restoration project is the Cosumnes River Preserve floodplain restoration. Projects in the planning stage include the Department of Water Resources North Delta Flood and Ecosystem Restoration Project on McCormack-Williamson Tract.◆ Lower San Joaquin River Floodplain. Historically, the south Delta and its connection to the lower San Joaquin River contained a complex network of channels with low natural berms, large woody debris, willows, and other shrubs with upland areas supporting open oak woodlands. Reconnection of significant portions of the floodplain, along with more natural flows, stimulates food webs that support native species. Projects in the planning stage include the Lower San Joaquin Flood Bypass proposed by the South Delta Levee Protection and Channel Maintenance Authority and partners.◆ Suisun Marsh. The largest contiguous wetland area on the west coast of the continent, Suisun Marsh has been mostly disconnected from the estuary. Restoring significant portions of Suisun Marsh provides the brackish portion of the estuary with sea level rise accommodation space, opportunities for extensive land-water interface dynamics, and compressed chemical and biological gradients that support productive and complex food webs to which native species are adapted. An ongoing restoration project is the California Department of Water Resources’ Blacklock Restoration Project. Projects in the planning stage include the Department of Fish and Game Hill Slough Restoration Project.◆ Yolo Bypass. The current operation of the Yolo Bypass as a flood control project provides substantial ecosystem benefits for Sacramento splittail spawning and rearing and salmon rearing (Figure 5-5) (Sommer et al. 2001, Moyle et al. 2007). Enhancing the ability of Yolo Bypass to be “activated” by higher-frequency, lower-magnitude flood levels provides more opportunity for migrating fish, especially Chinook salmon, to use this system as a migration corridor rich in refugia and food resources. Projects in the planning stage include fish passage improvements, and various approaches, such as notching the Fremont Weir, to increase the frequency and duration of inundation during times of year critical for spawning and rearing of native fish. <p>A map of these areas is under development and will be included in the Fifth Staff Draft Delta Plan.</p>	ER R1	<p>The Delta Stewardship Council acknowledges the importance of expediting habitat restoration in the Delta and its watershed and recommends the prioritization and implementation of habitat restoration projects in the following areas, shown in Figure 5-3. Habitat restoration projects should consider landscape elements including connectivity between areas to be restored and existing habitat areas needed for the full life cycle of species targeted to benefit from the restoration project. Where possible, restoration projects should emphasize the potential for water quality improvement. Restoration project proponents should coordinate with local vector control districts in implementing projects.</p> <ul style="list-style-type: none">◆ Cache Slough Complex. The flood basins entering the Cache Slough Complex are the interface between river and tidally influenced portions of the Delta. A significant portion of the region should return to uplands with vernal pool and grassland habitats and broad nontidal, freshwater, emergent plant-dominated wetlands that grade into tidal freshwater wetlands, shallow subtidal and deep open water habitats. A restoration project in this area is the passively restoring Liberty Island. Projects in the planning stage include the Department of Water Resources’ Prospect Island restoration project.◆ Cosumnes River–Mokelumne River Confluence. Unregulated and minimally regulated rivers should allow frequent and regular winter and spring overbank flooding to create seasonal floodplain and riparian habitats grading into tidal marsh and shallow subtidal habitats. An existing restoration project is the Cosumnes River Preserve floodplain restoration. Projects in the planning stage include the Department of Water Resources’ North Delta Flood and Ecosystem Restoration Project on McCormack-Williamson Tract.◆ Lower San Joaquin River Floodplain. Historically, the south Delta and its connection to the lower San Joaquin River contained a complex network of channels with low natural berms, large woody debris, willows, and other shrubs with upland areas supporting open oak woodlands. Reconnection of significant portions of the floodplain, along with more natural flows, stimulates food webs that support native species. Projects in the planning stage include the Lower San Joaquin Flood Bypass proposed by the South Delta Levee Protection and Channel Maintenance Authority and partners.◆ Suisun Marsh. The largest wetland area on the west coast of the contiguous United States, Suisun Marsh has been mostly disconnected from the estuary. Restoring significant portions of Suisun Marsh provides the brackish portion of the estuary with sea level rise accommodation space, opportunities for extensive land-water interface dynamics, and compressed chemical and biological gradients that support productive and complex food webs to which native species are adapted. An ongoing restoration project is the Department of Water Resources’ Blacklock Restoration Project. Projects in the planning stage include the Department of Fish and Game’s Hill Slough Restoration Project.◆ Yolo Bypass. The current operation of the Yolo Bypass as a flood control project provides substantial ecosystem benefits for Sacramento splittail spawning and rearing and salmon rearing (Sommer et al. 2001, Moyle et al. 2007). Enhancing the ability of Yolo Bypass to be “activated” by higher-frequency, lower-magnitude flood levels provides more opportunity for migrating fish, especially Chinook salmon, to use this system as a migration corridor rich in refugia and food resources. Projects in the planning stage include fish passage improvements, and various approaches, such as notching the Fremont Weir, to increase the frequency and duration of inundation during times of year critical for spawning and rearing of native fish.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
5: Restore the Delta Ecosystem	ER R3	As part of its Strategic Plan, the Delta Conservancy should: <ul style="list-style-type: none">◆ Develop and adopt criteria for prioritization and integration of large-scale ecosystem restoration in the Delta, with sustainability and use of best available science as foundational principles.◆ Develop and adopt processes for ownership and long-term operations and management of land in the Delta and Suisun Marsh acquired for conservation or restoration.◆ Recommend sources for long-term financing for restoration programs and projects that include covering costs of long-term operations and management and payment in lieu of taxes.◆ Develop and adopt a formal mutual agreement with the Department of Water Resources, Department of Fish and Game, federal interests, and other State and local agencies on implementation of ecosystem restoration in the Delta and Suisun Marsh.◆ Develop, in conjunction with the Wildlife Conservation Board, the Department of Water Resources, Department of Fish and Game, and other State and local agencies, a plan and protocol for acquiring the land necessary to achieve ecosystem restoration consistent with the coequal goals and the Ecosystem Restoration Program’s Conservation Strategy.◆ Convene an effort to develop a habitat credit program that provides credit for each of these steps: acquisition in preparation for future restoration; preservation, management, and enhancement of existing habitat; restoration of habitat, and monitoring and evaluation of habitat evolution and ecological outcomes.◆ Work closely with the Delta Science Program to:<ul style="list-style-type: none">• Incorporate the best available understanding of the scales, patterns, and processes of the historical landscape to guide land acquisition strategies and restoration design.• Apply the latest understanding of landscape ecology as a unifying perspective for restoring processes and functions on degraded landscapes.• Construct landscape-level conceptual models for key regions of the Delta and Suisun Marsh to clarify how more natural flows and ecosystem restoration confer resilience to native species while promoting processes of self-repair of modified landscapes. Conceptual design models should engage hydrodynamics, transport, particle tracking, and food web models to support and integrate the interdisciplinary perspectives.• Study available habitat reference sites to increase understanding of well-functioning habitats and to inform performance measure metrics and trajectories.	ER R2	As part of its Strategic Plan, and subsequent Implementation Plan or annual work plans, the Sacramento-San Joaquin Delta Conservancy should: <ul style="list-style-type: none">◆ Develop and adopt criteria for prioritization and integration of large-scale ecosystem restoration in the Delta and Suisun Marsh, with sustainability and use of best available science as foundational principles.◆ Develop and adopt processes for ownership and long-term operations and management of land in the Delta and Suisun Marsh acquired for conservation or restoration.◆ Develop and adopt a formal mutual agreement with the Department of Water Resources, Department of Fish and Game, federal interests, and other State and local agencies on implementation of ecosystem restoration in the Delta and Suisun Marsh.◆ Develop, in conjunction with the Wildlife Conservation Board, the Department of Water Resources, Department of Fish and Game, and other State and local agencies, a plan and protocol for acquiring the land necessary to achieve ecosystem restoration consistent with the coequal goals and the Ecosystem Restoration Program’s Conservation Strategy.◆ Lead an effort to develop a habitat credit program that provides credit for each of these steps: acquisition in preparation for future restoration; preservation, management, and enhancement of existing habitat; restoration of habitat, and monitoring and evaluation of habitat evolution and ecological outcomes.◆ Work closely with the Delta Science Program to:<ul style="list-style-type: none">• Incorporate the best available understanding of the scales, patterns, and processes of the historical landscape to guide land acquisition strategies and restoration design.• Apply the best understanding of landscape ecology as a unifying perspective for restoring processes and functions on degraded landscapes.• Construct landscape-level conceptual models for key regions of the Delta and Suisun Marsh to clarify how more natural flows and ecosystem restoration confer resilience to native species while promoting processes of self-repair of modified landscapes. Conceptual design models should engage hydrodynamics, transport, particle tracking, and food web models to support and integrate the interdisciplinary perspectives.• Study available habitat reference sites to increase understanding of well-functioning habitats and to inform performance measure metrics and trajectories.
5: Restore the Delta Ecosystem	See FP R8		ER R3	State and federal fish agencies (California Department of Fish and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service) should complete ongoing negotiations toward a habitat credit agreement with water supply agencies.
5: Restore the Delta Ecosystem	ER R5	In support of the coequal goals, the U.S. Army Corps of Engineers should work with the California Department of Fish and Game and the California Department of Water Resources to execute an agreed-upon variance process to exempt Delta levees from the Corps’ levee vegetation policy.	ER R4	Considering the ecosystem value of remaining riparian and shaded riverine aquatic habitat along Delta levees, the U.S. Army Corps of Engineers should work with the Department of Fish and Game and the Department of Water Resources to develop and execute an agreed-upon variance process to exempt Delta levees from the U.S. Army Corps of Engineers’ levee vegetation policy where appropriate.
5: Restore the Delta Ecosystem	See DP R4		ER R5	The Department of Fish and Game and the U.S. Fish and Wildlife Service should develop rules for voluntary Safe Harbor agreements with property owners in the Delta whose actions contribute to the recovery of listed threatened or endangered species.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
5: Restore the Delta Ecosystem	ER P5	Agencies proposing covered actions shall demonstrate that the potential for new introductions of or improved habitat conditions for nonnative invasive species have been fully considered and avoided or minimized in a way that appropriately protects the ecosystem.	ER P5	Agencies proposing covered actions shall demonstrate that the potential for new introductions of or improved habitat conditions for nonnative invasive species have been fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.
5: Restore the Delta Ecosystem	ER R6	The Department of Fish and Game and other appropriate agencies should prioritize and fully implement the list of “Potential Stage 2 Actions for Nonnative Invasive Species” (see sidebar) and accompanying text shown in Appendix E taken from the <i>Ecosystem Restoration Program’s Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (Department of Fish and Game et al. 2010). The Council may amend the Delta Plan to incorporate revised figures and text from the Ecosystem Restoration Program’s Conservation Strategy as the strategy is revised.	ER R6	The Department of Fish and Game and other appropriate agencies should prioritize and fully implement the list of “Stage 2 Actions for Nonnative Invasive Species” and accompanying text shown in Appendix F taken from the Conservation Strategy for Restoration of the Sacramento San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (Department of Fish and Game et al. 2011). The Delta Stewardship Council may amend the Delta Plan to incorporate revised figures and text from the Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone as the strategy is revised.
5: Restore the Delta Ecosystem	ER R7	The Delta Science Program, in conjunction with the California Department of Fish and Game, the California Department of Water Resources, the State Water Resources Control Board, and other relevant agencies and stakeholders, should conduct workshops to develop recommendations to the Council for measures to reduce stressor impacts on the Delta ecosystem that would support and be consistent with the coequal goals. The resulting recommendations should be provided to the Council by January 1, 2013. For example, workshops would consider options for varying salinity to reduce impacts of nonnative invasive species while providing overall ecosystem benefits and minimally disrupting water supply.	ER R7	The Delta Science Program, in conjunction with the Department of Fish and Game, the Department of Water Resources, the State Water Resources Control Board, and other relevant agencies and stakeholders, should conduct workshops to develop recommendations to the Delta Stewardship Council for measures to reduce stressor impacts on the Delta ecosystem that would support and be consistent with the coequal goals. The resulting recommendations should be provided to the Delta Stewardship Council by January 1, 2013. The recommended measures could be adopted as policies or recommendations by the Delta Stewardship Council into an amended Delta Plan. For example, workshops would consider options for varying salinity to reduce impacts of nonnative invasive species while providing overall ecosystem benefits and minimally disrupting water supply.
5: Restore the Delta Ecosystem	ER R8	The involved federal, State, and local agencies should complete the Bay Delta Conservation Plan process (i.e., receive required incidental take permits) consistent with the Delta Reform Act and no later than December 31, 2014. If the Bay Delta Conservation Plan process is not completed by this date consistent with the Delta Reform Act, the Council will consider how to proceed with developing ecosystem and conveyance planning.	ER R8	The relevant federal, State, and local agencies should complete the Bay Delta Conservation Plan, consistent with the provisions of the Delta Reform Act, and receive required incidental take permits by December 31, 2014. If the Bay Delta Conservation Plan process is not completed by this date, the Delta Stewardship Council will consider how to proceed with an alternative process to develop and complete the ecosystem and conveyance planning process.
6: Improve Water Quality to Protect Human Health and the Environment	WQ R1	The Central Valley Regional Water Quality Control Board should complete the Central Valley Drinking Water Policy by July 2013, with implementation to follow.	WQ R1	The Central Valley Regional Water Quality Control Board should complete the Central Valley Drinking Water Policy by July 2013, with implementation to follow.
6: Improve Water Quality to Protect Human Health and the Environment	WQ R2	The Department of Water Resources should complete the North Bay Aqueduct Alternate Intake Project EIR by July 1, 2012, and begin construction as soon as possible thereafter.	WQ R2	The Department of Water Resources should complete the North Bay Aqueduct Alternate Intake Project EIR by July 1, 2012, and begin construction as soon as possible thereafter.
6: Improve Water Quality to Protect Human Health and the Environment			WQ R3	The State Water Resources Control Board and/or Central Valley Regional Water Quality Control Board should complete development of a Strategic Workplan for protection of groundwater beneficial uses, including groundwater use for drinking water, by December 31, 2012.
6: Improve Water Quality to Protect Human Health and the Environment	WQ R3	The California Department of Public Health should prioritize funding for small and disadvantaged communities that lack access to safe drinking water supplies.	WQ R4	The Department of Public Health, State Water Resources Control Board, and Department of Water Resources should prioritize funding for small and disadvantaged communities that lack access to safe drinking water supplies or resources for adequate wastewater treatment.
6: Improve Water Quality to Protect Human Health and the Environment	WQ R4	The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should require all recipient regions that are supplied water from the Delta or the Delta Watershed or discharge wastewater to the Delta or the Delta Watershed to participate in the Central Valley Salinity Alternatives for Long-Term Sustainability Program (CV-SALTS).	WQ R5	The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should require all recipient regions that are supplied water from the Delta or the Delta Watershed or discharge wastewater to the Delta or the Delta Watershed to participate in the Central Valley Salinity Alternatives for Long-Term Sustainability Program (CV-SALTS).

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
6: Improve Water Quality to Protect Human Health and the Environment	WQ R5	The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards are currently engaged in regulatory processes that would improve water quality in the Delta. In order to achieve the coequal goals, it is essential that these ongoing efforts be completed and if possible accelerated, and that the Legislature and Governor devote sufficient funding to make this possible. The Council specifically recommends that: <ul style="list-style-type: none">The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and adopt objectives, either narrative or numeric, where appropriate, for nutrients in the Delta and Delta watershed by January 1, 2014.The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board should complete the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for diazinon and chlorpyrifos by January 1, 2013.The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards prioritize and accelerate the completion of the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for pyrethroids by January 1, 2016.The San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and implement Total Maximum Daily Load and Basin Plan Amendments for selenium and methylmercury to address water quality impairment in the Delta, in accordance with the time schedule provided in the 2010 Integrated Report.	WQ R6	The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards are currently engaged in regulatory processes, research, and monitoring essential to improving water quality in the Delta. In order to achieve the coequal goals, it is essential that these ongoing efforts be completed and if possible accelerated, and that the Legislature and Governor devote sufficient funding to make this possible. The Delta Stewardship Council specifically recommends that: <ul style="list-style-type: none">The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and adopt objectives, either narrative or numeric, where appropriate, for nutrients in the Delta and Delta watershed by January 1, 2014.The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board should complete the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for diazinon and chlorpyrifos by January 1, 2013.The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards prioritize and accelerate the completion of the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for pyrethroids by January 1, 2016.The San Francisco Bay and Central Valley Regional Water Quality Control Boards have completed Total Maximum Daily Load and Basin Plan Amendments for selenium and methylmercury and efforts to support their implementation should be coordinated.The State Water Resources Control Board and San Francisco Bay and Central Valley Regional Water Quality Control Boards should continue to participate in efforts revise water quality objectives for selenium.
	WQ R6	The State Water Resources Control Board and Regional Water Quality Control Boards should work collaboratively with the Department of Water Resources, Department of Fish and Game, and other agencies and entities that monitor water quality in the Delta to develop and implement a Delta Regional Monitoring Program that will be responsible for coordinating monitoring efforts so Delta conditions can be efficiently assessed and reported on a regular basis.	WQ R7	The State Water Resources Control Board and Regional Water Quality Control Boards should work collaboratively with the Department of Water Resources, Department of Fish and Game, and other agencies and entities that monitor water quality in the Delta to develop and implement a Delta Regional Monitoring Program that will be responsible for coordinating monitoring efforts so Delta conditions can be efficiently assessed and reported on a regular basis.
	WQ R7	The Central Valley Regional Water Quality Control Board, consistent with existing Water Quality Control Plan policies and water rights law, should require responsible entities that discharge wastewater treatment plant effluent or urban runoff to Delta waters to evaluate whether all or a portion of the discharge can be recycled, otherwise used, or treated in order to reduce contaminant loads to the Delta.	WQ R8	The Central Valley Regional Water Quality Control Board, consistent with existing Water Quality Control Plan policies and water rights law, should require responsible entities that discharge wastewater treatment plant effluent or urban runoff to Delta waters to evaluate whether all or a portion of the discharge can be recycled, otherwise used, or treated in order to reduce contaminant loads to the Delta by January 1, 2014.
	WQ R8	The State Water Resources Control Board and Regional Water Quality Control Boards should conduct or require special studies of pollutants including emerging contaminants and causes of toxicity in Delta waters and sediments.	WQ R9	The State Water Resources Control Board and Regional Water Quality Control Boards should conduct or require special studies of pollutants including emerging contaminants and causes of toxicity in Delta waters and sediments by January 1, 2014.
	WQ R9	To comply with the San Francisco Bay Conservation and Development Commission water quality policies and facilitate the commission's impact determination, proponents of actions potentially affecting water quality in Suisun Marsh should consult with the San Francisco Bay Regional Water Quality Control Board and obtain all necessary authorizations early in the process.	WQ R10	To comply with the San Francisco Bay Conservation and Development Commission water quality policies and facilitate the commission's impact determination, proponents of actions potentially affecting water quality in Suisun Marsh should consult with the San Francisco Bay Regional Water Quality Control Board and obtain all necessary authorizations early in the process.
7: Reduce Risk to People, Property, and State Interests in the Delta	RR P1	Floodways shall not be encroached upon nor diminished without mitigating for future flood flows. This policy would not pertain to ecosystem restoration projects or any ongoing agricultural or flood management activities.	RR P1	Floodways ¹³ shall not be encroached ¹⁴ upon nor diminished without mitigating for future flood flows. This policy does not apply to ecosystem restoration projects or any ongoing agricultural or flood management activities unless they significantly decrease the existing level of flood protection.

¹³ As defined by California Code of Regulations, Title 23, Division 1, Chapter 1, Article 2, Section 4: (n) Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that convey flood waters.

¹⁴ As Described in the Department of Water Resources' "Interim Levee Design Criteria for Urban and Urbanizing Areas in the Sacramento-San Joaquin Valley" (DWR 2010b): Encroachments and vegetation should be evaluated and managed so as to not impact levee safety, while recognizing their benefits.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
7: Reduce Risk to People, Property, and State Interests in the Delta	RR P2	<p>The following areas shall not be encroached upon because they are critical floodplains and may also provide ecosystem benefit. This policy would not pertain to ecosystem restoration projects or any ongoing agricultural or flood management activities, provided they do not decrease the existing level of flood protection:</p> <ul style="list-style-type: none">◆ Areas located in the Yolo Bypass from Fremont Weir through Cache Slough to the Sacramento River including the confluence of Putah Creek into the bypass◆ The Cosumnes River/Mokelumne River confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by Department of Water Resources or the U.S. Army Corps of Engineers. (DWR 2010a)◆ The Lower San Joaquin River Flood Bypass, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Flood Bypass Proposal, submitted to the Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, RD 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project. <p>Policy ER P4 also addresses this problem statement by recommending that levee rehabilitation or construction include alternatives that increase the extent of floodplain and riparian habitats.</p>	RR P2	<p>The following areas shall not be encroached upon because they are critical floodplains¹⁵ and may also provide ecosystem benefit (refer to Figure 5-3). This policy does not apply to ecosystem restoration projects or any ongoing agricultural or flood management activities, or maintenance and repair of existing infrastructure, unless they significantly decrease the existing level of flood protection.</p> <ul style="list-style-type: none">◆ Areas located in the Yolo Bypass from Fremont Weir through Cache Slough to the Sacramento River including the confluence of Putah Creek into the bypass◆ The Cosumnes River-Mokelumne River Confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by the Department of Water Resources or the U.S. Army Corps of Engineers. (DWR 2010a)◆ The Lower San Joaquin River Floodplain Bypass, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Floodplain Bypass Proposal, submitted to the Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, RD 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project.
7: Reduce Risk to People, Property, and State Interests in the Delta	RR R1	<p>The Legislature should fund and the Department of Water Resources and the Central Valley Flood Protection Board should complete their investigation of the bypass and floodways in the San Joaquin River to reduce potential flooding near Paradise Cut, as required by Water Code section 9613(c).</p>	RR R1	<p>The Legislature should fund the Department of Water Resources and the Central Valley Flood Protection Board to evaluate and implement a bypass and floodways on the San Joaquin River near Paradise Cut that would reduce flood stage on the mainstem San Joaquin River adjacent to the urban and urbanizing communities of Stockton, Lathrop, and Manteca in accordance with Water Code section 9613(c).</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	RR R2	<p>The current efforts to maintain navigable waters in the Sacramento River Deep Water Ship Channel and Stockton Deep Water Ship Channel, led by the U.S. Army Corps of Engineers—the <i>San Francisco Bay Long Term Management Strategy for Dredging and the Delta Dredged Sediment Long-Term Management Strategy</i>—should be continued and supported so that desirable dredging to support the Delta Plan and the coequal goals might be achieved. Appropriate dredging throughout other areas in the Delta might also increase flood conveyance while at the same time acquiring material that might be used for levee maintenance (USACE 2002).</p>	RR R2	<p>The current efforts to maintain navigable waters in the Sacramento River Deep Water Ship Channel and Stockton Deep Water Ship Channel, led by the U.S. Army Corps of Engineers and described in the <i>Delta Dredged Sediment Long-Term Management Strategy</i> (USACE 2007, Appendix G), should be continued in a manner that supports the Delta Plan and the coequal goals. Appropriate dredging throughout other areas in the Delta that would increase flood conveyance and provide potential material for levee maintenance or subsidence reversal should be implemented in a manner that supports the Delta Plan and coequal goals..</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	RR P3	<p>Covered actions shall conform to the classifications defined in Table 7-1. Covered actions protected by Class 5 levees must conform by 2025 in accordance with the Central Valley Flood Protection Act of 2008 (Government Code section 65865.5(a)(3)).</p>	RR P3	<p>Covered actions in the Delta must be consistent with Table 7-1.</p> <p>[Table 7-1 is included on the last page of this document.]</p>
7: Reduce Risk to People, Property, and State Interests in the Delta			RR R3	<p>The Delta Stewardship Council should coordinate with the Department of Water Resources, Department of Parks and Recreation, and other appropriate local agencies to develop a plan identifying appropriate levels of flood protection relating to specific land and recreation uses for State recreation facilities in the Delta. This plan should address emergency response and notification procedures for recreational users.</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	RR R3	<p>The Department of Water Resources, in conjunction with the Department of Fish and Game and Delta Conservancy, should adopt criteria to define locations for future setback levees in the Delta and Delta watershed. Until then, any action located next to the land side of a levee should demonstrate adequate area is provided to accommodate setback levees, as determined by a registered civil engineer.</p>	RR R4	<p>The Department of Water Resources, in conjunction with the Department of Fish and Game and Delta Conservancy, should develop criteria to define locations for future setback levees in the Delta and Delta watershed. Until then, the siting of future permanent structures should provide adequate area to accommodate future setback levees.</p>

¹⁵ As defined by the FEMA National Flood Insurance Program: Floodplain: Any land area susceptible to being inundated by flood waters from any source. <http://www.fema.gov/business/nfip/19def2.shtm>.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
7: Reduce Risk to People, Property, and State Interests in the Delta			RR P4	Prior to the completion of the Department of Water Resources’ A Framework for Department of Water Resources Investments in Delta Integrated Flood Management, guidelines for the Delta Levee Special Flood Control Projects and Subventions programs (included as Appendix H) shall be used to determine consistency of projects using state funds with the Delta Plan. This Framework shall be completed by the Department of Water Resources, in consultation with the Central Valley Flood Protection Board and Delta Stewardship Council, by January 1, 2013. Upon completion, the Framework shall be considered by the Delta Stewardship Council for adoption to direct State investments for levee operation, maintenance, and improvements in the Delta. If this Framework is not completed by January 1, 2013, the Delta Stewardship Council will define a strategy for State investments.
7: Reduce Risk to People, Property, and State Interests in the Delta	RR P4	State investments for levee operation, maintenance, and improvements in the Delta shall be directed by the Department of Water Resources’ A Framework for Department of Water Resources Investments in Delta Integrated Flood Management. This draft Framework shall be completed by DWR, in consultation with the Central Valley Flood Protection Board, by January 1, 2013. The Framework shall: <ul style="list-style-type: none">◆ Define State interests related to flood and levee management in the Delta. These State interests shall, at a minimum, include:<ul style="list-style-type: none">• Reducing risk of loss of life• Protecting water supply• Protecting water quality and the ecosystem• Protecting critical infrastructure◆ Define a long-term levee policy for the Delta, which, at a minimum, shall determine those levees critical for protecting State interests.◆ Recognize the wide variability of conditions across the Delta including depth of inundation upon failure; current condition of existing levees; and degree of exposure to seismicity, sea level rise, climate change, and river flood levels.◆ Define a methodology for assessing initial Delta levee conditions, as well as on a systematic, routine, and coordinated basis, to develop a sound technical understanding and assessment capability to base levee related decisions. This information shall be collected and reported in a transparent manner, and shall include the production of a Delta levee conditions map.◆ Define a methodology for proactively identifying, developing, prioritizing, and scheduling specific levee operations, maintenance, and improvement projects.◆ Define a method for determining project costs, cost share, and project partners, if appropriate.◆ Define procedures that distinguish Delta Levees Special Flood Control Projects from routine levee maintenance projects.	RR R5	The Department of Water Resources’ A Framework for Department of Water Resources Investments in Delta Integrated Flood Management should: <ul style="list-style-type: none">◆ Define State interests related to flood and levee management in the Delta. These State interests should, at a minimum, include:<ul style="list-style-type: none">• Reducing risk of loss of life.• Protecting water supply. This should address identifying and assessing critical water supply corridor levee operations, maintenance, and improvements for all existing municipal and industrial water diversions in the Delta.• Protecting water quality and the ecosystem.• Protecting critical infrastructure of statewide importance (including pipelines, energy transmission facilities, aqueducts, and State highways).• Protecting property.◆ Define a long-term levee policy for the Delta, which, at a minimum, shall determine those levees critical for protecting State interests.◆ Recognize the wide variability of conditions across the Delta including depth of inundation upon failure; current condition of existing levees; and degree of exposure to seismicity, sea level rise, climate change, and river flood levels.◆ Define a methodology for assessing existing Delta levee conditions, as well as on a systematic, routine, and coordinated basis, to develop a sound technical understanding and assessment capability to base levee related decisions. This information shall be collected and reported in a transparent manner, and shall include the production of a Delta levee conditions map.◆ Define a methodology for proactively identifying, developing, prioritizing, and scheduling specific levee operations, maintenance, and improvement projects.◆ Define a method for determining project costs, cost share, and project partners, if appropriate.◆ Define procedures that distinguish Delta Levees Special Flood Control Projects from routine levee maintenance projects.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
7: Reduce Risk to People, Property, and State Interests in the Delta	RR R4	<p>The following actions should be taken to promote emergency preparedness in the Delta:</p> <ul style="list-style-type: none">◆ Responsible Emergency Management Authorities should consider and implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5). Such actions should support the development of a regional response system for the Delta.◆ The Department of Water Resources, the California Emergency Management Agency, and local flood management agencies should prepare and regularly update a Delta-wide emergency response plan and the Inland Region Mass Evacuation Plan. These agencies should participate in emergency response exercises for both periodic and catastrophic flood events, inland mass evacuation exercises, and emergency preparedness public training, notification, and flood risk education and outreach programs. The U.S. Army Corps of Engineers should be a part of all emergency preparedness activities.◆ All personnel prepared to respond to Delta flood emergencies should be trained in the Statewide Emergency Management System (SEMS) and the National Incident Management System (NIMS) procedures. All emergency response plans and emergency response training exercises involving the Delta should be SEMS- and NIMS-compliant.◆ In consultation with local agencies, the Department of Water Resources should expand its emergency stockpiles to make them regional in nature and usable by a larger number of agencies in accordance with Department of Water Resources plans and procedures. The Department of Water Resources, as a part of this plan, should evaluate the potential of creating stored material sites by “over-reinforcing” west Delta levees.◆ State and local agencies and regulated utilities that own and/or operate infrastructure in the Delta should prepare coordinated emergency response plans to protect the infrastructure from long-term outages resulting from failures of the Delta levees. The emergency procedures should consider methods that also would protect Delta land use and ecosystem.	RR R6	<p>The following actions should be taken by January 1, 2013, to promote effective emergency preparedness and response in the Delta:</p> <ul style="list-style-type: none">◆ Responsible local, State, and federal agencies with emergency response authority should consider and implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5). Such actions should support the development of a regional response system for the Delta.◆ The California Emergency Management Agency, Department of Water Resources, U.S. Army Corps of Engineers, appropriate Operational Areas and other State and local partners should cooperatively participate in Delta-specific emergency preparedness activities. These activities should include but not be limited to the development and maintenance of a Sacramento-San Joaquin Delta Flood Catastrophic Incident Plan, a Regional Mass Evacuation Plan and an Interoperable Communications Plan; adoption and implementation of a Delta Multi-Agency Coordination System (MACS); participation in federal and State flood and evacuation contingency mapping; and regularly scheduled all-hazards drills and exercises. Public education and outreach program topics should include flood risk awareness, emergency preparedness, alert and notification.◆ Cal EMA in collaboration with local, State and federal emergency response agencies in the Delta region should develop a training plan that is consistent with SEMS and NIMS requirements and compliments the development of plans, procedures and protocols that address all hazards that pose a threat to the Delta.◆ In consultation with local agencies, the Department of Water Resources should expand its emergency stockpiles to make them regional in nature and usable by a larger number of agencies in accordance with Department of Water Resources’ plans and procedures. The Department of Water Resources, as a part of this plan, should evaluate the potential of creating stored material sites by “over-reinforcing” west Delta levees.◆ State and local agencies and regulated utilities that own and/or operate infrastructure in the Delta should prepare coordinated emergency response plans to protect the infrastructure from long-term outages resulting from failures of the Delta levees. The emergency procedures should consider methods that also would protect Delta land use and ecosystem.
			RR R7	<p>The Delta Stewardship Council should convene a working group to develop and evaluate recommendations to the Department of Water Resources to address appropriate response actions to both routine and catastrophic Delta levee failures. The working group should include the Delta Protection Commission and other interested parties, and the recommendations should be completed by January 1, 2013.</p>
	RR R5	<p>The Legislature should provide specific immunity for public safety flood protection activities, similar to that provided for police and fire protection services.</p>	RR R8	<p>The Legislature should provide specific immunity for public safety flood protection activities, similar to that provided for police and fire protection services.¹⁶</p>
	RR R6	<p>The Legislature should require an adequate level of flood insurance for residences, businesses, and industries in flood-prone areas.</p>	RR R9	<p>The Legislature should require an adequate level of flood insurance for residences, businesses, and industries in flood-prone areas.</p>

¹⁶ Sections 850 – 850.8 (Fire Protection Services). Section 850 provides immunity for the government not providing fire protection services. Sections 850.2 through 850.8 provide governmental immunity related to the actual provision of fire protection services (i.e., failure to maintain sufficient fire protection facilities, injuries sustained while transporting a person from a fire to medical facility, etc.).

Section 845 (Police Protection Services). Section 845 provides governmental immunity for the failure to provide police protection services or the provision of insufficient police protection services.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
7: Reduce Risk to People, Property, and State Interests in the Delta	RR R7	<p>A Delta Flood Risk Management Assessment District should be created with fee assessment authority (including over State infrastructure) to provide adequate flood control protection and emergency response for the regional benefit of all beneficiaries, including landowners, infrastructure owners, and other entities that benefit from the maintenance of the levees, such as water exporters who rely on the levees to protect water quality.</p> <p>This district should be authorized to:</p> <ul style="list-style-type: none">◆ Develop, fund, and implement a regional plan of flood management for both Project and non-project levees of the Delta in cooperation with the existing reclamation districts, cities, counties, and owners of infrastructure and other interests protected by the levees;◆ Conduct levee elevation surveys and inspections at least every 5 years, and report data to DWR;◆ In coordination with Department of Water Resources and the U.S. Army Corps of Engineers, establish standardized flood risk measurement data. This data should support the development of Expected Annual Damage and loss of life values for the Delta, to be conducted by the District on an annual basis. Expected Annual Damage is a measure of risk that integrates the likelihood and consequences of flooding, and is a standard measure of the benefits of reducing flood risk (USACE 1996, USACE 2006). The U.S. Army Corps of Engineers is currently developing a levee risk management system, including means to evaluate and rank risk of loss of life and flood damages for levee systems;◆ Notify residents and landowners of flood risk and emergency preparedness on an annual basis; and◆ Potentially implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5).	RR R10	<p>The Legislature should create a Delta Flood Risk Management Assessment District with fee assessment authority (including over State infrastructure) to provide adequate flood control protection and emergency response for the regional benefit of all beneficiaries, including landowners, infrastructure owners, and other entities that benefit from the maintenance of the levees, such as water users who rely on the levees to protect water quality.</p> <p>This district should be authorized to:</p> <ul style="list-style-type: none">◆ Develop, fund, and implement a regional plan of flood management for both Project and non project levees of the Delta in cooperation with the existing reclamation districts, cities, counties, and owners of infrastructure and other interests protected by the levees;◆ Conduct levee elevation surveys and inspections at least every 5 years, and report data to Department of Water Resources;◆ In coordination with Department of Water Resources and the U.S. Army Corps of Engineers, establish standardized flood risk measurement data. This data should support the development of Expected Annual Damage and loss of life values for the Delta, to be conducted by the District annually. Expected Annual Damage is a measure of risk that integrates the likelihood and consequences of flooding, and is a standard measure of the benefits of reducing flood risk (USACE 1996, USACE 2006). The U.S. Army Corps of Engineers is currently developing a levee risk management system, including means to evaluate and rank risk of loss of life and flood damages for levee systems;◆ Notify residents and landowners of flood risk, personal safety information, and available systems for obtaining emergency information before and during a disaster on an annual basis; and◆ Potentially implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5) in conjunction with local, State, and federal agencies and maintain the resulting regional response system and components and procedures on behalf of SEMS jurisdictions (reclamation district, city, county, and State) that would jointly implement the regional system in response to a disaster event.◆ Identify and assess critical water supply corridor levee operations, maintenance, and improvements.
	RR R8	<p>State agencies should not renew or enter into agricultural leases on Delta or Suisun Marsh islands if the actions of the lessee promote or contribute to subsidence on the leased land, unless the lessee participates in subsidence-reversal or reduction programs.</p>	RR R11	<p>State agencies should not renew or enter into agricultural leases on Delta or Suisun Marsh islands if the actions of the lessee promote or contribute to subsidence on the leased land, unless the lessee participates in subsidence-reversal or reduction programs</p>
	RR R9	<p>U.S. Army Corps of Engineers, federal Bureau of Reclamation, California Department of Water Resources, and local agencies and hydropower utilities should evaluate and modify flood control management procedures for reservoirs upstream of the Delta considering sea level rise, changes in timing and form of precipitation, and changes in water supply operations to alleviate potential Delta flooding.</p>	RR R12	<p>U.S. Army Corps of Engineers, Bureau of Reclamation, Department of Water Resources, and local agencies and hydropower utilities should evaluate and modify flood control management procedures for reservoirs upstream of the Delta with consideration for sea level rise, changes in timing and form of precipitation, and changes in water supply operations to alleviate potential Delta flooding.</p>
	DP R1	<p>The Economic Sustainability Plan should include, but not be limited to, planning for the following items:</p> <ul style="list-style-type: none">◆ Public safety, including flood protection◆ Continued economic sustainability of Delta agriculture◆ Long-term strategies for legacy communities vital to the tourist economy◆ Priorities for investments in flood management◆ Recreation◆ Infrastructure to support the proposed economic strategies	DP R1	<p>The Economic Sustainability Plan should include, but not be limited to, planning for the following items:</p> <ul style="list-style-type: none">◆ Public safety recommendations, such as flood protection recommendations◆ The economic goals, policies, and objectives in local general plans and other local economic efforts, including recommendations on continued socioeconomic sustainability of Delta agriculture and its infrastructure to support the proposed economic strategies and legacy communities in the Delta◆ Comments and recommendations to the Department of Water Resources concerning its periodic update of the flood management plan for the Delta.◆ Identification of ways to encourage recreational investment along the key river corridors, as appropriate

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R2	The Legislature should consider appropriate funding for implementation of the Economic Sustainability Plan consistent with the Delta Plan.	See FP R10
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R3	The Legislature should consider reasonable payments-in-lieu-of-taxes to replace lost local government revenues resulting from the removal of properties from property tax rolls for ecosystem habitat or water supply purposes in the Delta.	See FP R11
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R4	The Department of Fish and Game and the U.S. Fish and Wildlife Service should develop rules for voluntary Safe Harbor agreements with property owners in the Delta whose actions contribute to the recovery of listed threatened or endangered species.	See ER R5
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R5	The Delta Protection Commission should pursue and the federal government should designate the Delta and Suisun Marsh as a National Heritage Area.	DP R2 The Delta Protection Commission should complete the evaluation and initiate recommendations related to designation of the Delta and Suisun Marsh as a National Heritage Area. If the recommendation is to proceed with the designation, the federal government should complete the process in a timely manner.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R6	The California Department of Transportation should partner with local cities and counties to establish major gateways and improve connecting transportation routes, bike lanes, sidewalks, and trails to promote the Delta's identity, visibility, and access.	DP R3 The Department of Transportation should partner with local cities and counties to establish major gateways and improve connecting transportation routes, bike lanes, sidewalks, and trails to promote the Delta's identity, visibility, and access.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R7	The California Department of Parks and Recreation should partner with other State and federal agencies, counties, conservancies, nonprofits to add and improve recreation facilities in the Delta and add three new parks at Barker Slough, Elkhorn Basin, and in the South Delta.	DP R4	The Department of Parks and Recreation should develop funding sources and partner with other State and federal agencies, counties, conservancies, and nonprofits to conduct definitive and consistent recreation use surveys every 5 years and add and/or improve recreation facilities in the Delta, including facilities to meet public recreational needs as part of State Water Project facilities, and add three new parks at Barker Slough, Elkhorn Basin, and in the Southern Delta.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R8	The California Department of Fish and Game should collaborate with other agencies and non-profits, private landowners, and business partners to expand wildlife viewing, angling and hunting opportunities.	DP R5	The Department of Fish and Game should collaborate with other agencies and nonprofits, private landowners, and business partners to expand wildlife viewing, angling, and hunting opportunities
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R9	The California Department of Boating and Waterways should coordinate with the U.S. Coast Guard and state and local agencies on an updated marine patrol strategy for the region.	DP R6	The Department of Boating and Waterways should coordinate with the U.S. Coast Guard and State and local agencies on an updated marine patrol strategy for the region.
9: Finance Plan Framework to Support Coequal Goals	FP R1	<p>Public and private agencies with infrastructure crossing the Delta should protect their assets from flooding.</p> <ul style="list-style-type: none">◆ The California Public Utilities Commission should immediately commence a formal hearing to impose a reasonable fee for flood and disaster prevention of regulated privately owned utilities that cross or lie within the Delta. Publicly owned utilities should also be encouraged to develop similar fees. The Council, in consultation with the California Public Utilities Commission and the Delta Protection Commission, should allocate these funds between state and local emergency response and flood protection entities in the Delta, including the State of California. If a regional flood management agency is authorized by law, the local share would be allocated to that agency for its purposes.◆ The California Public Utilities Commission should direct all regulated public utilities in their jurisdiction to immediately take steps to protect their facilities in the Delta from the consequences of a catastrophic failure of levees in the Delta, and to minimize the impact on the State’s economy.◆ The Governor, by Executive Order, should direct state agencies with projects or infrastructure in the Delta to set aside a reasonable amount of funding to pay for flood protection and disaster prevention. The local share of these funds should be allocated as described above.	FP R1	<p>Public and private agencies with infrastructure crossing the Delta should protect their assets from flooding and other natural disasters.</p> <ul style="list-style-type: none">◆ The Public Utilities Commission should immediately commence formal hearings to impose a reasonable fee for flood and disaster prevention on regulated privately owned utilities with facilities located in the Delta. Publicly owned utilities should also be encouraged to develop similar fees. The Delta Stewardship Council, in consultation with the Public Utilities Commission and the Delta Protection Commission, should allocate these funds between State and local emergency response and flood protection entities in the Delta. If a new regional flood management agency is established by law, a portion of the local share would be allocated to that agency.◆ The Public Utilities Commission should direct all regulated public utilities in their jurisdiction to immediately take steps to protect their facilities in the Delta from the consequences of a catastrophic failure of levees in the Delta, in order to minimize the impact on the State’s economy.◆ The Governor, by Executive Order, should direct State agencies with projects or infrastructure in the Delta to set aside a reasonable amount of funding to pay for flood protection and disaster prevention. The local share of these funds should be allocated as described above.
9: Finance Plan Framework to Support Coequal Goals	FR R2	A regional flood management agency should be created which at first is funded with \$10 million dollars to develop a benefit assessment plan for the Delta. The council also recommends an additional \$100 million for implementation of flood management improvements, to be funded by Propositions 1E and 84 to match up to 50 percent with non-State funding.	FR R2	A Delta Flood Risk Management Assessment District (as described for RR R9) should be created and initially funded with \$10 million dollars to develop a benefit assessment plan for the Delta. The Council also recommends an additional \$100 million for implementation of flood management improvements to be funded by Propositions 1E and 84 and matched up to 50 percent with non-State funding.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
9: Finance Plan Framework to Support Coequal Goals	FP R3	The Legislature should allocate a total of \$50 million of Proposition 1E funds to the Department of Water Resources and direct the Department of Water Resources to begin the acquisition of land or easements for the proposed San Joaquin/South Delta Flood Plain.	FP R3	The Legislature should appropriate \$50 million of Proposition 1E funds to the Department of Water Resources and direct the Department of Water Resources to begin the acquisition of land and easements for the proposed San Joaquin/South Delta Flood Plain.
9: Finance Plan Framework to Support Coequal Goals	FP R4	Long-term stable funding should be found that supports the Department of Water Resources’ Delta Levees Subventions and Special Projects, FloodSAFE, and the Central Valley Flood Protection Board.	FP R4	Long-term non-General Fund and non-general obligation bonds stable funding should be established to support the Department of Water Resources’ Delta Levees Subventions and Special Projects, FloodSAFE, and the Central Valley Flood Protection Board. Until this long-term funding is secure, the existing funding for the Delta Levees Subventions and Special Projects, FloodSAFE, and the Central Valley Flood Protection Board should be provided until the bonds funds are completely allocated by extending the deadline of July 1, 2013.
9: Finance Plan Framework to Support Coequal Goals	FP R5	As part of the California Water Plan Update, the Department of Water Resources should prepare an assessment of the state’s water infrastructure needs. This should include an assessment of the existing infrastructure’s rehabilitation/replacement costs, as well as new improvements to meet projected demands over the planning period. The Department of Water Resources should consider a survey of agencies requesting information on small-scale projects (such as storage or conveyance) that allow the State to improve water supply reliability. In the future, a provision should be added to Urban Water Management Plans and Agricultural Water Management Plans, to gather information on potential local water reliability projects. This could form the basis of future State bond funding decisions and be used to inform the Legislature and the public of systemic needs.	FP R5	As part of the California Water Plan Update, the Department of Water Resources should prepare an assessment of the state’s water infrastructure needs. This should include an assessment of the existing infrastructure’s rehabilitation/replacement costs, as well as new improvements to meet projected demands over the planning period. The Department of Water Resources should consider a survey of agencies requesting information on small-scale projects (such as storage or conveyance) that allow the State to improve water supply reliability. In the future, a provision should be added to Urban Water Management Plans and Agricultural Water Management Plans to include information on potential local water reliability projects. This could form the basis of future State bond funding decisions and be used to inform the Legislature and the public of systemwide needs.
9: Finance Plan Framework to Support Coequal Goals	FP R6	User Fees/Stressors Fees should support the coequal goals and the Delta Plan. <ul style="list-style-type: none">◆ The Legislature should grant the Council the authority to develop reasonable fees for beneficial uses, and reasonable fees for those who stress the Delta ecosystem, and apply such fees to the operational costs of the Council, the Delta Conservancy, and the Delta Protection Commission to allow implementation of the Delta Plan. The costs of operations of the Council, Delta Conservancy, and Delta Protection Commission should be advanced for a period of 10 years. As previously discussed, the unified annual budget of the new governance structure is approximately \$50 million.◆ Repayment of these costs, with interest, would be made in annual amounts commencing in 2022 from the fees imposed as recommended above. Repayment could begin sooner if revenue from fees were available before 2022. Repayment should be completed no later than 2032.◆ Revenue bond authority should be granted to implement the Delta Plan should a fiscal partner be found.	FP R6	User Fees/Stressors Fees should support the coequal goals and the Delta Plan. <ul style="list-style-type: none">◆ The Legislature should authorize the Delta Stewardship Council to develop reasonable fees for beneficial uses and reasonable fees for those who stress the Delta ecosystem, and apply these fees to the operational costs of the Delta Stewardship Council, the Delta Conservancy, and the Delta Protection Commission to allow implementation of the Delta Plan. These fees would be developed in an open and transparent process. Operating costs of the Delta Stewardship Council, Delta Conservancy, and Delta Protection Commission should be pre-funded for a period of 10 years. As previously discussed, the annual budget of the new governance structure is approximately \$50 million.◆ Repayment of these costs, with interest, would be made annually commencing in 2022 from collected fees. Repayment could begin sooner if revenue from fees were available before 2022. Repayment should be completed no later than 2032.◆ Revenue bond authority should be granted to implement the Delta Plan should a fiscal partner be found.
9: Finance Plan Framework to Support Coequal Goals	FP R7	Clarify assessment authority for local water agencies. The Legislature should amend AB 3030 and SB 1938 to allow local agencies to assess fees under Proposition 218.	FP R7	The Legislature should amend AB 3030 and SB 1938 to allow local agencies to assess fees under Proposition 218.
9: Finance Plan Framework to Support Coequal Goals	FP R8	State and federal fish agencies (California Department of Fish and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service) should complete ongoing negotiations toward a habitat credit agreement with water supply agencies.	See ER R3	
9: Finance Plan Framework to Support Coequal Goals	FP R9	No less than \$50 million should be allocated from existing bond funds, or from any new funds authorized by voters, to the Delta Conservancy to commence implementation of the ecosystem restoration portion of the Delta Plan. This would include building the capabilities to administer and monitor the Conservancy’s projects, as well as funding initial early start projects approved by the Conservancy Board.	FP R8	Sufficient funding should be provided to the Delta Conservancy to commence implementation of the ecosystem restoration portion of the Delta Plan. This would include building the capabilities to administer and monitor the Conservancy’s projects, as well as funding initial early start projects approved by the Conservancy Board. Funding should be no less than \$50 million and should be allocated from existing bond funds, or from any new funds authorized by voters. Total dollar amount allocated for this purpose will depend on all available funding sources and may well exceed \$50 million.
9: Finance Plan Framework to Support Coequal Goals	FP R10	The Delta Conservancy should investigate carbon offsets as a revenue source for Delta islands.	FP R9	The Delta Conservancy, in conjunction with other appropriate agencies, should investigate carbon offsets as a revenue source for Delta islands.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND FIFTH STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT		FIFTH STAFF DRAFT: LANGUAGE AS OF AUGUST 2, 2011	
9: Finance Plan Framework to Support Coequal Goals	See DP R2		FP R10	The Legislature should consider appropriate funding for implementation of the Economic Sustainability Plan consistent with the Delta Plan.
9: Finance Plan Framework to Support Coequal Goals	See DP R3		FP R11	The Legislature should consider reasonable payments-in-lieu-of-taxes to replace lost local government revenues resulting from the removal of properties from property tax rolls for ecosystem habitat or water supply purposes in the Delta.
9: Finance Plan Framework to Support Coequal Goals	FP R11	Establish a public goods charge (or broad-based user fee) for water. The Legislature should create a public goods charge (similar to the energy public goods charge created in 1996) on urban water users and agricultural users. This fund could provide for ecosystem costs that were once paid with general obligation bonds, or could be used for State water management costs such as developing the California Water Plan Update or science programs. Efforts would be necessary to determine administrative details of the program, including how the charge would be assessed, who would be assessed, and how revenues collected would be applied.	FP R12	Establish a statewide public goods charge (or broad-based user fee) for water. The Legislature should create a public goods charge (similar to the energy public goods charge created in 1996) on urban water users and agricultural users. This charge could provide for ecosystem costs that were once paid with general obligation bonds, or could be used for State water management costs such as developing the California Water Plan Update or science programs. Before the charge would be put in place, efforts would be necessary to determine administrative details of the program, including how the charge would be assessed, who would be assessed, what type of costs would be recovered, and how revenues collected would be applied. These efforts would take place in an open and transparent process.
9: Finance Plan Framework to Support Coequal Goals	FP R12	By January 2015, the Department of Water Resources should complete a report on recommendations for prioritized State investments for levee operations, maintenance, and improvements in the Delta. The report should be developed, based upon a Delta-wide comparative benefit/cost analysis. Benefits should be specifically identifiable and calculable but broadly based, not limited to an analysis of the value of land behind a levee. Such a report should be developed in collaboration with the Council, local agencies, federal agencies, and the proposed new Delta Flood Management Assessment District.	FP R13	By January 2015, the Department of Water Resources should complete a Delta-wide comparative benefit/cost analysis based on recommendations for prioritized State investments for levee operations, maintenance, and improvements in the Delta developed in accordance with RR P4. Benefits should be specifically identifiable and calculable, and include an analysis of the value of lands behind levees. Such a report should be developed in collaboration with the Delta Stewardship Council, local agencies, federal agencies, and the proposed new Delta Flood Risk Management Assessment District.

Table 7-1
Levee Classifications for Covered Actions

Covered Actions ^(a)	Basis for the Minimum Levee Design Classifications				
	Class 1: No Specified Level of Flood Protection	Class 2: HMP ^(b)	Class 3: PL 84-99 ^(c)	Class 4: FEMA 100-Year ^(d)	Class 5: DWR 200-Year ^(e)
Recreation and ecosystem restoration actions designed to be periodically inundated	Designed on a site-specific basis to manage appropriate level of flood risk for individual projects				
Agriculture-related non-residential on-farm structures without substantial employees	Not acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Above-ground utilities and transportation facilities	Not acceptable	Not acceptable	Acceptable	Acceptable	Acceptable
Development of subdivisions of four or fewer parcels in non-urbanized areas ^(f)	Not acceptable	Not acceptable	Not acceptable	Acceptable	Acceptable
Development of subdivisions of more than four parcels in non-urbanized areas <u>within</u> Legacy Towns ^{(f)(g)}	Not acceptable	Not acceptable	Not acceptable	Currently, non-minor subdivision development in non-urbanized areas in the Delta requires at least FEMA 100-Year standards. For the Delta Plan, specific levee design standards for Legacy Towns to be developed following completion of the Delta Protection Commission Economic Sustainability Plan. The Council should review this issue by January 1, 2013, in coordination with the development of the Central Valley Flood Protection Plan.	
Development of subdivisions of more than four parcels in non-urbanized areas <u>not within</u> Legacy Towns ^{(f)(g)(h)}	Not acceptable	Not acceptable	Not acceptable	Not acceptable	Acceptable These developments are highly discouraged and may be inconsistent with the Delta Plan regarding protection of lands that are or could be used for agriculture and/or ecosystem ⁽ⁱ⁾
All development in urban areas ^(h)	Not acceptable	Not acceptable	Not acceptable	Not acceptable	Acceptable ⁽ⁱ⁾

^a Minimum Levee Design Classifications would only apply to new projects undertaken following the adoption of the Delta Plan and are not retroactive. All levee standards would need to be periodically modified to accommodate sea level rise and hydraulic effects of climate change.

^b HMP (Hazard Mitigation Plan) standards are defined by geometric levee criteria were developed in the 1980s based upon historical flood elevations, and were to be interim standards through HMPs approved by FEMA. These standards have not been modified to reflect more recent flood events with higher elevations, such as the 100-year flood level.

^c PL 84-99 standards as developed by USACE. These standards are defined by geometric levee criteria developed in the 1980s based upon historical flood elevations for major rivers, such as the Mississippi River, and modified in the 1980s for Delta soil conditions. These standards have not been modified to reflect more recent flood events with higher elevations, such as the 100-year flood level.

^d FEMA 100-Year Standards in accordance with FEMA and National Flood Insurance Program regulations, including criteria defined in 44 CFR 65.10 for levees accredited by FEMA as providing 100-year flood protection. Other actions which provide 100 year flood protection, such as floodproofing by elevating the structure above the flood elevation, may be considered on a project specific basis by appropriate local agencies.

^e DWR 200-Year Standards based on current DWR urban levee design criteria for the 200–year flood event water surface elevation, in accordance with the Central Valley Flood Protection Act of 2008 (Senate Bill 5, 2008).

^f Urban Areas and Non-Urbanized Areas as defined in California Government Code section 65007(e, i, j). Developed area as defined in California Government Code section 65007(c).

^g Legacy Towns are defined for the purposes of Table 7-1 as the following communities along the Sacramento River: Clarksburg, Courtland, Freeport, Hood, Isleton, Locke, Ryde, and Walnut Grove.

^h Levees for non-urbanized and urban areas should comply with requirements contained in the DWR's "Interim Levee Design Criteria for Urban and Urbanizing Areas in the Sacramento–San Joaquin Valley."

ⁱ Urbanized areas will be required to be fully compliant with DWR 200-Year standards by 2025 to be consistent with the deadline established for Urban Areas by Central Valley Flood Protection Act of 2008.